

ASSEMBLY BILL

No. 2197

**Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Bonta, Levine, Ting, and
Wieckowski)**

February 20, 2014

An act to amend Sections 4456.5 and 4463 of, to amend, repeal, and add Sections 4456, 5201, 5202, 5901, and 40610 of, and to add Sections 1686 and 4456.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 2197, as introduced, Mullin. Vehicles: temporary license plates.

Existing law requires the Department of Motor Vehicles (DMV), upon registering a vehicle, to issue to the owner 2 license plates, as specified. Existing law also requires that the license plates be securely fastened to the vehicle for which they are issued, and makes a violation of this requirement a crime.

Existing law requires vehicle dealers and lessor-retailers to attach numbered report-of-sale forms issued by the DMV to a vehicle at the time of sale, and to submit to the DMV an application for registration of the vehicle, and the applicable fees, within a specified period after the date of sale.

This bill would require the DMV, in collaboration with qualified industry partners, to develop a temporary license plate system to enable vehicle dealers and lessor-retailers to print temporary license plates on weatherproof paper or other media selected by the DMV, and would require that the system be in operation on or before July 1, 2015. The bill would also require, commencing July 1, 2015, a motor vehicle dealer or lessor-retailer to install a temporary license plate at the time

of sale, and to electronically record and transmit to the department's vehicle registration database certain information, including the temporary license plate's number and vehicle's make and model, using the temporary license plate system. The bill would make failure to display temporary license plates an infraction, and would make counterfeiting a temporary license plate a felony, as specified. By creating a new crime and expanding the scope of an existing crime, this bill would impose a state-mandated local program. The bill would also make other related and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is one of the few states in the nation where a
- 4 purchaser may lawfully leave the motor vehicle dealership after
- 5 buying a new vehicle with no uniquely identifiable license plate
- 6 mounted on the vehicle.
- 7 (b) State law permits a vehicle to be driven for up to 90 days
- 8 before it must be registered with permanent license plates mounted
- 9 on the vehicle.
- 10 (c) While state law requires that a vehicle owner install
- 11 permanent license plate on a vehicle upon receipt, law enforcement
- 12 cannot readily determine from a distance the date by which a
- 13 vehicle should have its plates installed.
- 14 (d) The lack of license plates on hundreds of thousands of
- 15 vehicles across the state is a threat to public safety as it hampers
- 16 the ability of law enforcement to solve crimes and recover stolen
- 17 vehicles.
- 18 (e) The lack of temporary license plates is also the greatest cause
- 19 of toll evasion in California. In the 2012–13 fiscal year, California's
- 20 toll roads and bridges lost approximately \$12 million in uncollected

1 tolls from drivers who evaded tolls by driving vehicles without
2 license plates.

3 (f) In 2011, the Legislature enacted Assembly Bill 1215, which
4 requires all new motor vehicle dealerships to participate in the
5 Business Partner Automation Program and to conduct all vehicle
6 registrations and related transactions electronically.

7 (g) Electronic vehicle registration results in faster delivery of
8 license plates to vehicle owners, but hundreds of thousands of
9 vehicles continue to be driven each day on the roads and highways
10 without license plates.

11 (h) To improve public safety and reduce toll evasion, the
12 Legislature intends to further expand the Business Partner
13 Automation Program to establish a statewide temporary license
14 plate program under which every vehicle sold in California without
15 a permanent license plate attached will be equipped with a
16 temporary license plate bearing a unique identification number
17 that will be placed in the license plate location on the front and
18 rear of the vehicle.

19 SEC. 2. Section 1686 is added to the Vehicle Code, to read:

20 1686. (a) The department, in collaboration with qualified
21 industry partners, shall develop a system for the department and
22 vehicle dealers and lessor-retailers to print temporary license plates
23 on weatherproof paper or other media selected by the department
24 pursuant to subdivision (d) of Section 4456.6, on a standard laser
25 printer at the dealership. The system shall enable a dealer or
26 lessor-retailer to electronically record and transmit to the
27 department's vehicle registration database the temporary license
28 plate's unique identification number, vehicle identification number,
29 vehicle make, model, and year, vehicle owner's name and address,
30 and any other information required by Section 4456.6.

31 (b) Access to the temporary license plate system shall be
32 restricted to authorized users of the department's vehicle
33 registration database, which includes law enforcement officers
34 who shall be able to access the system from their vehicles using
35 the California Law Enforcement Telecommunications System.

36 (c) The temporary license plate system shall transmit vehicle,
37 temporary plate license number, and ownership information to the
38 department's vehicle registration database within two working
39 days.

(d) The temporary license plate system shall be in operation on or before July 1, 2015.

SEC. 3. Section 4456 of the Vehicle Code is amended to read:

4456. (a) When selling a vehicle, dealers and lessor-retailers shall use numbered report-of-sale forms issued by the department. The forms shall be used in accordance with the following terms and conditions:

(1) The dealer or lessor-retailer shall attach for display a copy of the report of sale on the vehicle before the vehicle is delivered to the purchaser.

(2) The dealer or lessor-retailer shall submit to the department an application accompanied by all fees and penalties due for registration or transfer of registration of the vehicle within 30 days from the date of sale, as provided in subdivision (c) of Section 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle. Penalties due for noncompliance with this paragraph shall be paid by the dealer or lessor-retailer. The dealer or lessor-retailer shall not charge the purchaser for the penalties.

(3) As part of an application to transfer registration of a used vehicle, the dealer or lessor-retailer shall include all of the following information on the certificate of title, application for a duplicate certificate of title, or form prescribed by the department:

(A) Date of sale and report of sale number.

(B) Purchaser's name and address.

(C) Dealer's name, address, number, and signature or signature of authorized agent.

(D) Salesperson number.

(4) If the department returns an application and the application was first received by the department within 30 days of the date of sale of the vehicle if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, the dealer or lessor-retailer shall submit a corrected application to the department within 50 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 40 days if the vehicle is a new vehicle, or within 30 days from the date that the application is first returned by the department if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, whichever is later.

(5) If the department returns an application and the application was first received by the department more than 30 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 20

1 days if the vehicle is a new vehicle, the dealer or lessor-retailer
2 shall submit a corrected application to the department within 50
3 days from the date of sale of the vehicle if the vehicle is a used
4 vehicle, and 40 days if the vehicle is a new vehicle.

5 (6) An application first received by the department more than
6 50 days from the date of sale of the vehicle if the vehicle is a used
7 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
8 the penalties specified in subdivisions (a) and (b) of Section 4456.1.

9 (7) The dealer or lessor-retailer shall report the sale pursuant to
10 Section 5901.

11 (b) (1) A transfer that takes place through a dealer conducting
12 a wholesale vehicle auction shall be reported to the department by
13 that dealer on a single form approved by the department. The
14 completed form shall contain, at a minimum, all of the following
15 information:

16 (A) The name and address of the seller.

17 (B) The seller's dealer number, if applicable.

18 (C) The date of delivery to the dealer conducting the auction.

19 (D) The actual mileage of the vehicle as indicated by the
20 vehicle's odometer at the time of delivery to the dealer conducting
21 the auction.

22 (E) The name, address, and occupational license number of the
23 dealer conducting the auction.

24 (F) The name, address, and occupational license number of the
25 buyer.

26 (G) The signature of the dealer conducting the auction.

27 (2) Submission of the completed form specified in paragraph
28 (1) to the department shall fully satisfy the requirements of
29 subdivision (a) and subdivision (a) of Section 5901 with respect
30 to the dealer selling at auction and the dealer conducting the
31 auction.

32 (3) The single form required by this subdivision does not relieve
33 a dealer of any obligation or responsibility that is required by any
34 other provision of law.

35 (c) A vehicle displaying a copy of the report of sale may be
36 operated without license plates or registration card until either of
37 the following, whichever occurs first:

38 (1) The license plates and registration card are received by the
39 purchaser.

(2) A 90-day period, commencing with the date of sale of the vehicle, has expired.

~~(d) This section shall become operative on July 1, 2012.~~

(d) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 4456 is added to the Vehicle Code, to read:

4456. (a) When selling a vehicle, dealers and lessor-retailers shall use numbered report-of-sale forms issued by the department. The forms shall be used in accordance with the following terms and conditions:

(1) The dealer or lessor-retailer shall attach for display a copy of the report of sale on the vehicle before the vehicle is delivered to the purchaser.

(2) The dealer or lessor-retailer shall submit to the department an application accompanied by all fees and penalties due for registration or transfer of registration of the vehicle within 30 days from the date of sale, as provided in subdivision (c) of Section 9553, if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle. Penalties due for noncompliance with this paragraph shall be paid by the dealer or lessor-retailer. The dealer or lessor-retailer shall not charge the purchaser for the penalties.

(3) As part of an application to transfer registration of a used vehicle, the dealer or lessor-retailer shall include all of the following information on the certificate of title, application for a duplicate certificate of title, or form prescribed by the department:

(A) Date of sale and report of sale number.

(B) Purchaser's name and address.

(C) Dealer's name, address, number, and signature or signature of authorized agent.

(D) Salesperson number.

(4) If the department returns an application and the application was first received by the department within 30 days of the date of sale of the vehicle if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, the dealer or lessor-retailer shall submit a corrected application to the department within 50 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 40 days if the vehicle is a new vehicle, or within 30 days from the date that the application is first returned by the department if

1 the vehicle is a used vehicle, and 20 days if the vehicle is a new
2 vehicle, whichever is later.

3 (5) If the department returns an application and the application
4 was first received by the department more than 30 days from the
5 date of sale of the vehicle if the vehicle is a used vehicle, and 20
6 days if the vehicle is a new vehicle, the dealer or lessor-retailer
7 shall submit a corrected application to the department within 50
8 days from the date of sale of the vehicle if the vehicle is a used
9 vehicle, and 40 days if the vehicle is a new vehicle.

10 (6) An application first received by the department more than
11 50 days from the date of sale of the vehicle if the vehicle is a used
12 vehicle, and 40 days if the vehicle is a new vehicle, is subject to
13 the penalties specified in subdivisions (a) and (b) of Section 4456.1.

14 (7) The dealer or lessor-retailer shall report the sale pursuant to
15 Section 5901.

16 (b) (1) A transfer that takes place through a dealer conducting
17 a wholesale vehicle auction shall be reported to the department by
18 that dealer on a single form approved by the department. The
19 completed form shall contain, at a minimum, all of the following
20 information:

21 (A) The name and address of the seller.

22 (B) The seller's dealer number, if applicable.

23 (C) The date of delivery to the dealer conducting the auction.

24 (D) The actual mileage of the vehicle as indicated by the
25 vehicle's odometer at the time of delivery to the dealer conducting
26 the auction.

27 (E) The name, address, and occupational license number of the
28 dealer conducting the auction.

29 (F) The name, address, and occupational license number of the
30 buyer.

31 (G) The signature of the dealer conducting the auction.

32 (2) Submission of the completed form specified in paragraph
33 (1) to the department shall fully satisfy the requirements of
34 subdivision (a) of this section and subdivision (a) of Section 5901
35 with respect to the dealer selling at auction and the dealer
36 conducting the auction.

37 (3) The single form required by this subdivision does not relieve
38 a dealer of any obligation or responsibility that is required by any
39 other provision of law.

(c) The dealer or lessor-retailer shall affix a temporary license plate to any vehicle sold without a permanent license plate attached to the vehicle at the time of sale. A vehicle displaying a temporary license plate may be operated without permanent license plates or registration card until either of the following, whichever occurs first:

(1) The permanent license plates and registration card are received by the purchaser.

(2) A 90-day period, commencing with the date of sale of the vehicle, has expired.

(d) This section shall become operative on July 1, 2015.

SEC. 5. Section 4456.5 of the Vehicle Code is amended to read:

4456.5. (a) A dealer may charge the purchaser or lessee of a vehicle the following charges:

(1) A document processing charge for the preparation and processing of documents, disclosures, and titling, registration, and information security obligations imposed by state and federal law. The dealer document processing charge shall not be represented as a governmental fee.

(A) If a dealer has a contractual agreement with the department to be a private industry partner pursuant to Section 1685, the document processing charge shall not exceed eighty dollars (\$80).

(B) If a dealer does not have a contractual agreement with the department to be a private industry partner pursuant to Section 1685, the document processing charge shall not exceed sixty-five dollars (\$65).

(2) An electronic filing charge, not to exceed the actual amount the dealer is charged by a first-line service provider for providing license plate processing, *temporary license plate processing*, postage, and the fees and services authorized pursuant to subdivisions (a) and (d) of Section 1685. The director may establish, through the adoption of regulations, the maximum amount that a first-line service provider may charge a dealer. The electronic filing charge shall not be represented as a governmental fee.

(b) As used in this section, the term “first-line service provider” shall have the same meaning as defined in subdivision (b) of Section 1685.

~~(e) This section shall become operative on July 1, 2012.~~

1 SEC. 6. Section 4456.6 is added to the Vehicle Code, to read:
2 4456.6. (a) A motor vehicle dealer shall, at the point of sale,
3 install a temporary license plate in the rear license plate holder of
4 a vehicle sold without permanent license plates. The dealer shall
5 electronically record the temporary license plate's number, vehicle
6 identification number, vehicle make, model, and year, and vehicle
7 owner's name and address using an electronic program provided
8 by a qualified private industry partner pursuant to Section 1686.

9 (b) The temporary license plate is valid for up to 45 days. A
10 temporary license plate may be reissued for the same vehicle by
11 the motor vehicle dealer or the department for an additional 45-day
12 period.

13 (c) A temporary license plate shall contain, at a minimum, all
14 of the following:

- 15 (1) A unique identification number.
- 16 (2) The expiration date of the temporary license plate.
- 17 (3) The vehicle's make and model.

18 (d) The department shall designate specifications for the paper
19 or other media upon which the temporary license plate is printed
20 and any other requirements to prevent tampering and
21 counterfeiting. The paper or other media shall be weatherproof so
22 that it maintains its structural integrity, including graphic and data
23 adhesion, in all weather conditions after being placed on the
24 vehicle.

25 (e) The unique identification number shall be printed in black
26 ink on white paper or other media consistent with standards adopted
27 by the department that provide optimal readability by law
28 enforcement and automated licence plate recognition systems.

29 (f) The temporary license plates may include the name of the
30 dealership, if the name does not interfere with the readability of
31 the license plate by law enforcement or by automated license plate
32 recognition systems.

33 (g) The printing and electronic recording of temporary license
34 plates does not constitute separate transactions subject to the fees
35 established by Section 1685.

36 (h) This section shall become operative on July 1, 2015.

37 SEC. 7. Section 4463 of the Vehicle Code is amended to read:

38 4463. (a) A person who, with intent to prejudice, damage, or
39 defraud, commits any of the following acts is guilty of a felony
40 and upon conviction thereof shall be punished by imprisonment

1 pursuant to subdivision (h) of Section 1170 of the Penal Code for
2 16 months or two or three years, or by imprisonment in a county
3 jail for not more than one year:

4 (1) Alters, forges, counterfeits, or falsifies a certificate of
5 ownership, registration card, certificate, license, license plate,
6 *temporary license plate*, device issued pursuant to Section 4853,
7 special plate, or permit provided for by this code or a comparable
8 certificate of ownership, registration card, certificate, license,
9 license plate, *temporary license plate*, device comparable to that
10 issued pursuant to Section 4853, special plate, or permit provided
11 for by a foreign jurisdiction, or alters, forges, counterfeits, or
12 falsifies the document, device, or plate with intent to represent it
13 as issued by the department, or alters, forges, counterfeits, or
14 falsifies with fraudulent intent an endorsement of transfer on a
15 certificate of ownership or other document evidencing ownership,
16 or with fraudulent intent displays or causes or permits to be
17 displayed or have in his or her possession a blank, incomplete,
18 canceled, suspended, revoked, altered, forged, counterfeit, or false
19 certificate of ownership, registration card, certificate, license,
20 license plate, *temporary license plate*, device issued pursuant to
21 Section 4853, special plate, or permit.

22 (2) Utters, publishes, passes, or attempts to pass, as true and
23 genuine, a false, altered, forged, or counterfeited matter listed in
24 paragraph (1) knowing it to be false, altered, forged, or
25 counterfeited.

26 (b) A person who, with intent to prejudice, damage, or defraud,
27 commits any of the following acts is guilty of a misdemeanor, and
28 upon conviction thereof shall be punished by imprisonment in a
29 county jail for six months, a fine of not less than five hundred
30 dollars (\$500) and not more than one thousand dollars (\$1,000),
31 or both that fine and imprisonment, which penalty shall not be
32 suspended:

33 (1) Forges, counterfeits, or falsifies a disabled person placard
34 or a comparable placard relating to parking privileges for disabled
35 persons provided for by a foreign jurisdiction, or forges,
36 counterfeits, or falsifies a disabled person placard with intent to
37 represent it as issued by the department.

38 (2) Passes, or attempts to pass, as true and genuine, a false,
39 forged, or counterfeit disabled person placard knowing it to be
40 false, forged, or counterfeited.

1 (3) Acquires, possesses, sells, or offers for sale a genuine or
2 counterfeit disabled person placard.

3 (c) A person who, with fraudulent intent, displays or causes or
4 permits to be displayed a forged, counterfeit, or false disabled
5 person placard, is subject to the issuance of a notice of parking
6 violation imposing a civil penalty of not less than two hundred
7 fifty dollars (\$250) and not more than one thousand dollars
8 (\$1,000), for which enforcement shall be governed by the
9 procedures set forth in Article 3 (commencing with Section 40200)
10 of Chapter 1 of Division 17 or is guilty of a misdemeanor
11 punishable by imprisonment in a county jail for six months, a fine
12 of not less than two hundred fifty dollars (\$250) and not more than
13 one thousand dollars (\$1,000), or both that fine and imprisonment,
14 which penalty shall not be suspended.

15 (d) For purposes of subdivision (b) or (c), “disabled person
16 placard” means a placard issued pursuant to Section 22511.55 or
17 22511.59.

18 (e) A person who, with intent to prejudice, damage, or defraud,
19 commits any of the following acts is guilty of an infraction, and
20 upon conviction thereof shall be punished by a fine of not less than
21 one hundred dollars (\$100) and not more than two hundred fifty
22 dollars (\$250) for a first offense, not less than two hundred fifty
23 dollars (\$250) and not more than five hundred dollars (\$500) for
24 a second offense, and not less than five hundred dollars (\$500)
25 and not more than one thousand dollars (\$1,000) for a third or
26 subsequent offense, which penalty shall not be suspended:

27 (1) Forges, counterfeits, or falsifies a Clean Air Sticker or a
28 comparable clean air sticker relating to high occupancy vehicle
29 lane privileges provided for by a foreign jurisdiction, or forges,
30 counterfeits, or falsifies a Clean Air Sticker with intent to represent
31 it as issued by the department.

32 (2) Passes, or attempts to pass, as true and genuine, a false,
33 forged, or counterfeit Clean Air Sticker knowing it to be false,
34 forged, or counterfeited.

35 (3) Acquires, possesses, sells, or offers for sale a counterfeit
36 Clean Air Sticker.

37 (4) Acquires, possesses, sells, or offers for sale a genuine Clean
38 Air Sticker separate from the vehicle for which the department
39 issued that sticker.

(f) As used in this section, “Clean Air Sticker” means a label or decal issued pursuant to Sections 5205.5 and 21655.9.

SEC. 8. Section 5201 of the Vehicle Code is amended to read:

5201. (a) License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging, shall be mounted in a position so as to be clearly visible, and so that the characters are upright and display from left to right, and shall be maintained in a condition so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

(1) The rear license plate on a tow truck or reposessor’s tow vehicle may be mounted on the left-hand side of the mast assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(2) The rear license plate on a tank vehicle hauling hazardous waste, as defined in Section 25117 of the Health and Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

(3) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, but not less than 12 inches nor more than 90 inches from the ground.

(4) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse that is used regularly for the collection and transportation of that material by a person or governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less than 12 inches nor more than 90 inches from the ground.

(5) The rear license plate on a two-axle livestock trailer may be mounted 12 inches or more, but not more than 90 inches, from the ground.

(6) (A) The rear license plate on a dump bed motortruck equipped with a trailing, load bearing swing axle shall be mounted more than 12 inches, but not more than 107 inches, from the ground.

(B) As used in this section, a trailing, load bearing swing axle is an axle which can be moved from a raised position to a position

1 behind the vehicle that allows for the transfer of a portion of the
2 weight of the vehicle and load to the trailing axle.

3 (b) A covering shall not be used on license plates except as
4 follows:

5 (1) The installation of a cover over a lawfully parked vehicle
6 to protect it from the weather and the elements does not constitute
7 a violation of this subdivision. A peace officer or other regularly
8 salaried employee of a public agency designated to enforce laws,
9 including local ordinances, relating to the parking of vehicles may
10 temporarily remove so much of the cover as is necessary to inspect
11 any license plate, tab, or indicia of registration on a vehicle.

12 (2) The installation of a license plate security cover is not a
13 violation of this subdivision if the device does not obstruct or
14 impair the recognition of the license plate information, including,
15 but not limited to, the issuing state, license plate number, and
16 registration tabs, and the cover is limited to the area directly over
17 the top of the registration tabs. No portion of a license plate security
18 cover shall rest over the license plate number.

19 (c) A casing, shield, frame, border, product, or other device that
20 obstructs or impairs the reading or recognition of a license plate
21 by an electronic device operated by state or local law enforcement,
22 an electronic device operated in connection with a toll road,
23 high-occupancy toll lane, toll bridge, or other toll facility, or a
24 remote emission sensing device, as specified in Sections 44081
25 and 44081.6 of the Health and Safety Code, shall not be installed
26 on, or affixed to, a vehicle.

27 (d) (1) It is the intent of the Legislature that an accommodation
28 be made to persons with disabilities and to those persons who
29 regularly transport persons with disabilities, to allow the removal
30 and relocation of wheelchair lifts and wheelchair carriers without
31 the necessity of removing and reattaching the vehicle's rear license
32 plate. Therefore, it is not a violation of this section if the reading
33 or recognition of a rear license plate is obstructed or impaired by
34 a wheelchair lift or wheelchair carrier and all of the following
35 requirements are met:

36 (A) The owner of the vehicle has been issued a special
37 identification license plate pursuant to Section 5007, or the person
38 using the wheelchair that is carried on the vehicle has been issued
39 a distinguishing placard under Section 22511.55.

1 (B) (i) The operator of the vehicle displays a decal, designed
2 and issued by the department, that contains the license plate number
3 assigned to the vehicle transporting the wheelchair.

4 (ii) The decal is displayed on the rear window of the vehicle,
5 in a location determined by the department, in consultation with
6 the Department of the California Highway Patrol, so as to be clearly
7 visible to law enforcement.

8 (2) Notwithstanding any other law, if a decal is displayed
9 pursuant to this subdivision, the requirements of this code that
10 require the illumination of the license plate and the license plate
11 number do not apply.

12 (3) The department shall adopt regulations governing the
13 procedures for accepting and approving applications for decals,
14 and issuing decals, authorized by this subdivision.

15 (4) This subdivision does not apply to a front license plate.

16 (e) *This section shall become inoperative on July 1 2015, and,*
17 *as of January 1, 2016, is repealed, unless a later enacted statute,*
18 *that becomes operative on or before January 1, 2016, deletes or*
19 *extends the dates on which it becomes inoperative and is repealed.*

20 SEC. 9. Section 5201 is added to the Vehicle Code, to read:

21 5201. (a) License plates, including temporary license plates,
22 shall at all times be securely fastened to the vehicle for which they
23 are issued so as to prevent the plates from swinging, shall be
24 mounted in a position so as to be clearly visible, and so that the
25 characters are upright and display from left to right, and shall be
26 maintained in a condition so as to be clearly legible. The rear
27 license plate shall be mounted not less than 12 inches nor more
28 than 60 inches from the ground, and the front license plate shall
29 be mounted not more than 60 inches from the ground, except as
30 follows:

31 (1) The rear license plate on a tow truck or reposessor's tow
32 vehicle may be mounted on the left-hand side of the mast assembly
33 at the rear of the cab of the vehicle, not less than 12 inches nor
34 more than 90 inches from the ground.

35 (2) The rear license plate on a tank vehicle hauling hazardous
36 waste, as defined in Section 25117 of the Health and Safety Code,
37 or asphalt material may be mounted not less than 12 inches nor
38 more than 90 inches from the ground.

1 (3) The rear license plate on a truck tractor may be mounted at
2 the rear of the cab of the vehicle, but not less than 12 inches nor
3 more than 90 inches from the ground.

4 (4) The rear license plate of a vehicle designed by the
5 manufacturer for the collection and transportation of garbage,
6 rubbish, or refuse that is used regularly for the collection and
7 transportation of that material by a person or governmental entity
8 employed to collect, transport, and dispose of garbage, rubbish,
9 or refuse may be mounted not less than 12 inches nor more than
10 90 inches from the ground.

11 (5) The rear license plate on a two-axle livestock trailer may be
12 mounted 12 inches or more, but not more than 90 inches, from the
13 ground.

14 (6) (A) The rear license plate on a dump bed motortruck
15 equipped with a trailing, load bearing swing axle shall be mounted
16 more than 12 inches, but not more than 107 inches, from the
17 ground.

18 (B) As used in this section, a trailing, load bearing swing axle
19 is an axle which can be moved from a raised position to a position
20 behind the vehicle that allows for the transfer of a portion of the
21 weight of the vehicle and load to the trailing axle.

22 (b) A person shall replace temporary license plates with
23 permanent license plates upon receipt of the permanent license
24 plates, and shall destroy the temporary license plates at that time.

25 (c) A covering shall not be used on license plates except as
26 follows:

27 (1) The installation of a cover over a lawfully parked vehicle
28 to protect it from the weather and the elements does not constitute
29 a violation of this subdivision. A peace officer or other regularly
30 salaried employee of a public agency designated to enforce laws,
31 including local ordinances, relating to the parking of vehicles may
32 temporarily remove so much of the cover as is necessary to inspect
33 any license plate, tab, or indicia of registration on a vehicle.

34 (2) The installation of a license plate security cover is not a
35 violation of this subdivision if the device does not obstruct or
36 impair the recognition of the license plate information, including,
37 but not limited to, the issuing state, license plate number, and
38 registration tabs, and the cover is limited to the area directly over
39 the top of the registration tabs. No portion of a license plate security
40 cover shall rest over the license plate number.

(d) A casing, shield, frame, border, product, or other device that obstructs or impairs the reading or recognition of a license plate by an electronic device operated by state or local law enforcement, an electronic device operated in connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or a remote emission sensing device, as specified in Sections 44081 and 44081.6 of the Health and Safety Code, shall not be installed on, or affixed to, a vehicle.

(e) (1) It is the intent of the Legislature that an accommodation be made to persons with disabilities and to those persons who regularly transport persons with disabilities, to allow the removal and relocation of wheelchair lifts and wheelchair carriers without the necessity of removing and reattaching the vehicle's rear license plate. Therefore, it is not a violation of this section if the reading or recognition of a rear license plate is obstructed or impaired by a wheelchair lift or wheelchair carrier and all of the following requirements are met:

(A) The owner of the vehicle has been issued a special identification license plate pursuant to Section 5007, or the person using the wheelchair that is carried on the vehicle has been issued a distinguishing placard under Section 22511.55.

(B) (i) The operator of the vehicle displays a decal, designed and issued by the department, that contains the license plate number assigned to the vehicle transporting the wheelchair.

(ii) The decal is displayed on the rear window of the vehicle, in a location determined by the department, in consultation with the Department of the California Highway Patrol, so as to be clearly visible to law enforcement.

(2) Notwithstanding any other law, if a decal is displayed pursuant to this subdivision, the requirements of this code that require the illumination of the license plate and the license plate number do not apply.

(3) The department shall adopt regulations governing the procedures for accepting and approving applications for decals, and issuing decals, authorized by this subdivision.

(4) This subdivision does not apply to a front license plate.

(f) This section shall become operative on July 1, 2015.

SEC. 10. Section 5202 of the Vehicle Code is amended to read:

5202. (a) A license plate issued by this state or any other jurisdiction within or without the United States shall be attached

1 upon receipt and remain attached during the period of its validity
2 to the vehicle for which it is issued while being operated within
3 this state or during the time the vehicle is being held for sale in
4 this state, or until the time that a vehicle with special or
5 identification plates is no longer entitled to those plates; and a
6 person shall not operate, and an owner shall not knowingly permit
7 to be operated, upon any highway, a vehicle unless the license
8 plate is so attached. A special permit issued in lieu of plates shall
9 be attached and displayed on the vehicle for which the permit was
10 issued during the period of the permit's validity.

11 ~~(b) This section shall become operative on July 1, 2012.~~

12 *(b) This section shall become inoperative on July 1, 2015, and,*
13 *as of January 1, 2016, is repealed, unless a later enacted statute,*
14 *that becomes operative on or before January 1, 2016, deletes or*
15 *extends the dates on which it becomes inoperative and is repealed.*

16 SEC. 11. Section 5202 is added to the Vehicle Code, to read:

17 5202. (a) A license plate issued by this state or any other
18 jurisdiction within or without the United States shall be attached
19 upon receipt and remain attached during the period of its validity
20 to the vehicle for which it is issued while being operated within
21 this state or during the time the vehicle is being held for sale in
22 this state, or until the time that a vehicle with special or
23 identification plates is no longer entitled to those plates; and a
24 person shall not operate, and an owner shall not knowingly permit
25 to be operated, upon any highway, a vehicle unless the license
26 plate is so attached. A special permit or temporary license plate
27 issued in lieu of permanent license plates shall be attached and
28 displayed on the vehicle until the temporary license plate or the
29 permit expires, or the permanent license plates are received,
30 whichever occurs first.

31 (b) A violation of this section is an infraction punishable by a
32 base fine of twenty-five dollars (\$25) for a first offense and forty
33 dollars (\$40) for each subsequent offense in the same year.

34 (c) This section shall become operative on July 1, 2015.

35 SEC. 12. Section 5901 of the Vehicle Code is amended to read:

36 5901. (a) Every dealer or lessor-retailer, upon transferring by
37 sale, lease, or otherwise any vehicle, whether new or used, of a
38 type subject to registration under this code, shall, not later than
39 the end of the fifth calendar day thereafter not counting the day of

1 sale, give written notice of the transfer to the department at its
2 headquarters upon an appropriate form provided by it.

3 (b) Except as otherwise provided in this subdivision or in
4 subdivision (c), the dealer or lessor-retailer shall enter on the form
5 and pursuant to Section 32705(a) of Title 49 of the United States
6 Code, on the ownership certificate, the actual mileage of the vehicle
7 as indicated by the vehicle's odometer at the time of the transfer.
8 However, if the vehicle dealer or lessor-retailer has knowledge
9 that the mileage displayed on the odometer is incorrect, the licensee
10 shall indicate on the form on which the mileage is entered that the
11 mileage registered by the odometer is incorrect. A vehicle dealer
12 or lessor-retailer need not give the notice when selling or
13 transferring a new unregistered vehicle to a dealer or lessor-retailer.

14 (c) When the dealer or lessor-retailer is not in possession of the
15 vehicle that is sold or transferred, the person in physical possession
16 of the vehicle shall give the information required by subdivision
17 (b).

18 (d) A sale is deemed completed and consummated when the
19 purchaser of the vehicle has paid the purchase price, or, in lieu
20 thereof, has signed a purchase contract or security agreement, and
21 has taken physical possession or delivery of the vehicle.

22 (e) *This section shall become inoperative on July 1, 2015, and,*
23 *as of January 1, 2016, is repealed, unless a later enacted statute,*
24 *that becomes operative on or before January 1, 2016, deletes or*
25 *extends the dates on which it becomes inoperative and is repealed.*

26 SEC. 13. Section 5901 is added to the Vehicle Code, to read:

27 5901. (a) Every dealer or lessor-retailer, upon transferring by
28 sale, lease, or otherwise any vehicle, whether new or used, of a
29 type subject to registration under this code, shall, on the day of
30 sale, give electronic notice of the transfer to the department in a
31 manner approved by it.

32 (b) Except as otherwise provided in this subdivision or in
33 subdivision (c), the dealer or lessor-retailer shall enter on an
34 appropriate form and, pursuant to Section 32705(a) of Title 49 of
35 the United States Code, on the ownership certificate, the actual
36 mileage of the vehicle as indicated by the vehicle's odometer at
37 the time of the transfer. However, if the vehicle dealer or
38 lessor-retailer has knowledge that the mileage displayed on the
39 odometer is incorrect, the licensee shall indicate on the form on
40 which the mileage is entered that the mileage registered by the

1 odometer is incorrect. A vehicle dealer or lessor-retailer need not
2 give the notice when selling or transferring a new unregistered
3 vehicle to a dealer or lessor-retailer.

4 (c) When the dealer or lessor-retailer is not in possession of the
5 vehicle that is sold or transferred, the person in physical possession
6 of the vehicle shall give the information required by subdivision
7 (b).

8 (d) A sale is deemed completed and consummated when the
9 purchaser of the vehicle has paid the purchase price, or, in lieu
10 thereof, has signed a purchase contract or security agreement, and
11 has taken physical possession or delivery of the vehicle.

12 (e) This section shall become operative on July 1, 2015.

13 SEC. 14. Section 40610 of the Vehicle Code is amended to
14 read:

15 40610. (a) (1) Except as provided in paragraph (2), if, after
16 an arrest, accident investigation, or other law enforcement action,
17 it appears that a violation has occurred involving a registration,
18 license, all-terrain vehicle safety certificate, or mechanical
19 requirement of this code, and none of the disqualifying conditions
20 set forth in subdivision (b) exist and the investigating officer
21 decides to take enforcement action, the officer shall prepare, in
22 triplicate, and the violator shall sign, a written notice containing
23 the violator's promise to correct the alleged violation and to deliver
24 proof of correction of the violation to the issuing agency.

25 (2) If any person is arrested for a violation of Section 4454, and
26 none of the disqualifying conditions set forth in subdivision (b)
27 exist, the arresting officer shall prepare, in triplicate, and the
28 violator shall sign, a written notice containing the violator's
29 promise to correct the alleged violation and to deliver proof of
30 correction of the violation to the issuing agency. In lieu of issuing
31 a notice to correct violation pursuant to this section, the officer
32 may issue a notice to appear, as specified in Section 40522.

33 (b) Pursuant to subdivision (a), a notice to correct violation shall
34 be issued as provided in this section or a notice to appear shall be
35 issued as provided in Section 40522, unless the officer finds any
36 of the following:

37 (1) Evidence of fraud or persistent neglect.

38 (2) The violation presents an immediate safety hazard.

39 (3) The violator does not agree to, or cannot, promptly correct
40 the violation.

1 (c) If any of the conditions set forth in subdivision (b) exist, the
2 procedures specified in this section or Section 40522 are
3 inapplicable, and the officer may take other appropriate
4 enforcement action.

5 (d) Except as otherwise provided in subdivision (a), the notice
6 to correct violation shall be on a form approved by the Judicial
7 Council and, in addition to the owner's or operator's address and
8 identifying information, shall contain an estimate of the reasonable
9 time required for correction and proof of correction of the particular
10 defect, not to exceed 30 days, or 90 days for the all-terrain vehicle
11 safety certificate.

12 (e) *This section shall become inoperative on July 1, 2015, and,*
13 *as of January 1, 2016, is repealed, unless a later enacted statute,*
14 *that becomes operative on or before January 1, 2016, deletes or*
15 *extends the dates on which it becomes inoperative and is repealed.*

16 SEC. 15. Section 40610 is added to the Vehicle Code, to read:

17 40610. (a) (1) Except as provided in paragraph (2), if, after
18 an arrest, accident investigation, or other law enforcement action,
19 it appears that a violation has occurred involving a registration,
20 license, all-terrain vehicle safety certificate, or mechanical
21 requirement of this code, and none of the disqualifying conditions
22 set forth in subdivision (b) exist and the investigating officer
23 decides to take enforcement action, the officer shall prepare, in
24 triplicate, and the violator shall sign, a written notice containing
25 the violator's promise to correct the alleged violation and to deliver
26 proof of correction of the violation to the issuing agency.

27 (2) If any person is arrested for a violation of Section 4454, and
28 none of the disqualifying conditions set forth in subdivision (b)
29 exist, the arresting officer shall prepare, in triplicate, and the
30 violator shall sign, a written notice containing the violator's
31 promise to correct the alleged violation and to deliver proof of
32 correction of the violation to the issuing agency. In lieu of issuing
33 a notice to correct violation pursuant to this section, the officer
34 may issue a notice to appear, as specified in Section 40522.

35 (b) Pursuant to subdivision (a), a notice to correct violation shall
36 be issued as provided in this section or a notice to appear shall be
37 issued as provided in Section 40522, unless the officer finds any
38 of the following:

39 (1) Evidence of fraud or persistent neglect.

40 (2) The violation presents an immediate safety hazard.

1 (3) The violator does not agree to, or cannot, promptly correct
2 the violation.

3 (4) The vehicle is being operated in violation of Section 5202.

4 (c) If any of the conditions set forth in subdivision (b) exist, the
5 procedures specified in this section or Section 40522 are
6 inapplicable, and the officer may take other appropriate
7 enforcement action.

8 (d) Except as otherwise provided in subdivision (a), the notice
9 to correct violation shall be on a form approved by the Judicial
10 Council and, in addition to the owner's or operator's address and
11 identifying information, shall contain an estimate of the reasonable
12 time required for correction and proof of correction of the particular
13 defect, not to exceed 30 days, or 90 days for the all-terrain vehicle
14 safety certificate.

15 (e) This section shall become operative on July 1, 2015.

16 SEC. 16. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.